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HOUSE BILL 378

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Lisa L. Lutz

AN ACT

RELATING TO ROADWAYS; REQUIRING DISCLOSURE OF HIGHWAY PROJECTS TO THE PUBLIC; REQUIRING THE STATE HIGHWAY AND TRANSPORTATION DEPARTMENT AND LOCAL GOVERNMENTS TO KEEP MAPS UP TO DATE CONCERNING PROPOSED OR CONTEMPLATED STREETS, ROADS AND HIGHWAYS AND MAJOR CHANGES TO STREETS, ROADS AND HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-49-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-50-1, as amended) is amended to read:

"3-49-1. STREETS--SIDEWALKS--CURBS AND GUTTERS--PUBLIC GROUNDS. --

A. A municipality may lay out, establish, open, vacate, alter, repair, widen, extend, grade, pave or otherwise improve streets, including but not necessarily limited to median and divider strips, parkways and boulevards, alleys,

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1 avenues, sidewalks, curbs, gutters and public grounds, and  
2 may:

3 [A.] (1) regulate their use and use of  
4 structures under them;

5 [B.] (2) prohibit and remove encroachments or  
6 obstructions on them;

7 [C.] (3) provide for their lighting,  
8 cleaning, beautification, landscaping and maintenance;

9 [D.] (4) regulate their opening or repair;

10 [E.] (5) require the owner or occupant of any  
11 premise to keep the sidewalk along the premise free from any  
12 snow or other obstruction;

13 [F.] (6) regulate and prohibit the throwing  
14 or depositing of any offensive matter on them;

15 [G.] (7) prohibit injury to them;

16 [H.] (8) provide for and regulate crosswalks,  
17 curbs and gutters;

18 [I.] (9) regulate and prohibit their use for  
19 signs, sign posts, awnings, awning posts, telegraph poles,  
20 horse troughs, posting handbills and advertisements;

21 [J.] (10) regulate and prohibit the  
22 exhibition or carrying of banners, placards, advertisements or  
23 handbills in the streets or upon the sidewalks;

24 [K.] (11) regulate and prohibit the flying of  
25 banners, flags or signs across the streets or from houses;

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1                   ~~[L-]~~ (12) regulate traffic and sales upon  
2 streets, sidewalks and public places;

3                   ~~[M-]~~ (13) regulate the numbering of lots and  
4 houses;

5                   ~~[N-]~~ (14) name and change the name of any  
6 street, alley, avenue or other public place; and

7                   ~~[O-]~~ (15) with the written consent of the  
8 owner, regulate the speed and traffic conditions on private  
9 property.

10                   B. The municipality shall maintain up-to-date maps  
11 to show proposed or contemplated streets and roads and major  
12 changes to existing streets and roads. The municipality shall  
13 coordinate its maps with county and state maps on routes that  
14 intersect or become county or state roads or highways. The  
15 municipality shall publicize the availability of the maps. "

16                   Section 2. ~~[NEW MATERIAL]~~ COUNTY ROADS--MAPS.-- Each  
17 county shall maintain up-to-date maps to show proposed or  
18 contemplated roads and major changes to existing county roads.  
19 The maps shall be coordinated with municipal and state maps on  
20 routes that intersect or become municipal streets or roads or  
21 state highways. The county shall publicize the availability  
22 of the maps.

23                   Section 3. Section 67-3-16 NMSA 1978 (being Laws 1909,  
24 Chapter 42, Section 4, as amended) is amended to read:

25                   "67-3-16. COMMISSION-- DUTIES OVER HIGHWAYS. -- ~~[Sec. 13-]~~

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A. It [~~shall be~~] is the duty of [~~such~~] the state highway commission to construct, repair and maintain, at the expense of the state either wholly or in part, such public roads and highways within the state as in [~~their~~] its judgment will best subserve the interest of the general public, looking to the construction and maintenance of a complete system of highways in the state.

B. The state highway and transportation department shall maintain up-to-date maps to show proposed or contemplated highways and major changes to existing state highways. The maps shall be coordinated with municipal and county maps on routes that intersect or become county roads or municipal streets or roads. The department shall publicize the availability of the maps."